



File No. **48,585**      15. Formation Code: 540      Drainage Basin: WALNUT RIVER      County: BU      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
MOD			81417	SE SE SE	26	23	4E	2	272	480	99	43.664	99	40.582	NONE
									"PRIMARY WELL"						
ENT			85627	NE NE NE	35	23	4E		5,155	333					
									"STANDBY WELL"						

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **43.664** mg/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **41,081**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by **12/31/2017**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD			11703	35	23	4E	1	FEEDLOT (E2 NE and N2 SE)																	7a.	NO	41,081 & 48,586	

Comments: Feedlot is expanding from 3,500 head to 7,500 head of cattle.

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** September 13, 2016

**FROM:** Doug Schemm

**RE:** Application, File No. 48,585

2 K Feeders %Keith Koehn, has filed the referenced application to appropriate 43.664 million gallons of groundwater at a diversion rate of 99 gpm from one primary well and one standby well for stockwatering use. This application will overlap in place of use along with existing files, File Nos. 41,081 and 48,586, which is a cattle feedlot in the East Half of the Northeast Quarter, and the North Half of the Southeast Quarter of Section 35, Township 23 South, Range 4 East, Butler County. A proposed certificate has been prepared for the senior file, File No. 41,081, which is proposing a perfected quantity of 3.082 million gallons. The point of diversion is located on property owned by the applicant, and Keith Koehn has signed the application form stating he has legal access to the point of diversion.

Initially, this pending application was held because of the unique design and construction of the diversion works. Rather than the typical, vertical groundwater well, the diversion works that had been proposed for this application was an excavated trench that collects groundwater and then it gravity drains into a sump. Following further discussions with both the applicant and KLA Environmental Services, File No. 48,585 was held pending further site work (test hole drilling), because the proposed trench well did not prove to be successful. The applicant has decided to abandon this "trench well" and has requested that this pending application be modified to cover the well identified as "Creek Well – Domestic Well" on the original site map. This well is currently connected to the stock facility, so approval of this application will ensure that it is properly authorized. Finally, the applicant has requested that his domestic well located approximately 500 feet to the south be listed as a "Standby Well" on this application.

The primary well is located in the Southeast Quarter of Section 26, while the standby well is located in the Northeast Quarter of Section 35, both in Township 23 South, Range 4 East, in Butler County. In order to qualify as a standby well, per K.A.R. 5-1-2, all of the following requirements shall be met:

(a) The well shall be maintained in operable condition and be capable of being hooked to a power source within a reasonable amount of time to allow the well to function effectively as a standby well.

(b) Both the primary well or wells and the standby well or wells shall be required to be metered by order of the chief engineer or as a condition of the water right or permit.

(c) The standby well shall be located close enough to the primary well so that both wells withdraw water from the same local source of supply. However, a standby well shall not be required to meet the well spacing requirements from the standby well to the primary well.

(d) The standby well shall be authorized to divert the same rate and quantity as the primary well or wells. A limitation clause shall be placed on any water right or permit authorizing a standby well or wells limiting the standby well to no more than the rate and quantity authorized for the primary well or wells. With the limitation clause or clauses in effect, the standby well or wells shall not be counted in any safe yield, allowable appropriation, depletion or similar type of analysis.

(e) A primary well and a standby well shall not be operated at the same time, unless one of the wells is being operated for maintenance, testing, fire protection, or a similar reason.

It appears that the requested standby well complies with the above requirements regarding the same local source of supply, and the approval will be conditioned to address the other requirements. The applicant's consultant agreed with these conditions during a September 1, 2016 phone call.

The applicant has requested the ability to pump the same quantity of water (43.664 million gallons) under both File Nos. 48,585 and 48,586, with an overall limitation at the stock facility of 43.664 million gallons. This is typical for these types of applications to provide flexibility in sources of water, which is especially critical for stock water supply. File No. 41,081 is authorized 19.2 million gallons, however as noted above, it only perfected 3.082 million gallons.

It appears that the wells are completed to depths of approximately 100 feet below ground surface, and screened at depths of 40 feet and below, undoubtedly sourcing the bedrock aquifer (likely the Sumner or Chase Group). These bedrock well logs show shallow shale layers underlain by fractured, interbedded limestone layers. Senior File No. 41,081 is classified as sourcing the Chase Group.

The applicant identified one nearby domestic well and two nearby non-domestic wells all owned by the applicant (2K Feeders). Therefore, no notification letters are required. Per K.A.R. 5-4-4, well spacing for all other aquifers, spacing to nondomestic wells is 1,320 feet, and spacing to domestic wells is 660 feet. The application complies with minimum well spacing to all other non-domestic wells, which are all part of this same stock facility. The proposed point of diversion also complies with spacing to all domestic wells, with the nearest domestic well located over 1,000 feet away.

The requested quantity for Stockwatering Use of 43.664 million gallons was based on providing drinking water for 7,500 head of cattle. Per regulation, stockwatering quantity was estimated as follows: 7,500 head of cattle x 15.0 gallons per head per day x 365 days = 41.063 million gallons. The applicant requested the additional 2.601 million gallons for facility maintenance and processing purposes. As noted above, the senior water right will likely be certified for 3.082 million gallons of water. Therefore this pending application will provide an additional quantity of water of 40.582 million gallons (43.664 mgy – 3.082 mgy), and flexibility in source of water supply, when combined with the senior file for stockwatering use.

Based on similar files that source bedrock aquifers, the extent of the aquifer typically extends across the entire area of consideration. Thus the area of consideration provides a total of 8,042 acres. With a potential recharge of 3.8 inches, and 100% of the recharge available for appropriation, safe yield was determined to be 2,546.63 acre-feet. There is only one existing file (File No. 41,081), which is currently authorized 58.92 acre-feet, leaving 2,487.7 acre-feet is available, and this application meets safe yield.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is not required because this is a proposed well NOT exceeding 100 gpm.

In a September 1, 2016 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application, File No. 48,585. Based on the above discussion, well spacing and safe yield criteria are met, approval will provide the applicant with additional water for expansion and flexibility in source of water, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application, File No. 48,585 be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 21, 2016

2 K FEEDERS  
% KEITH KOEHN  
12851 NW SHUMWAY RD  
BURNS KS 66840

## FILE COPY

Re: Appropriation of Water, File No. 48,585

Dear Mr. Koehn:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents, with specific reference to Paragraph No. 18 describing the criteria for use of the standby well. Water meters are required on the proposed diversion works and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:dws

Enclosures

pc: Stafford Field Office

KLA Environmental Services Inc.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

**FILE COPY**

This is to certify that I have examined Application **File No. 48,585** of the applicant

**2 K FEEDERS LLC  
% KEITH KOEHN  
12851 NW SHUMWAY RD  
BURNS KS 66840**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **April 4, 2013**.

2. That the water sought to be appropriated shall be used for stockwatering use at a cattle feedlot located in the East Half of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) and the North Half of the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 35, in Township 23 South, Range 4 East, Butler County, Kansas.

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one primary well and one standby well, described as follows:

one (1) primary well located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 26, more particularly described as being near a point 272 feet North and 480 feet West of the Southeast corner of said section, and

one (1) standby well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 5,155 feet North and 333 feet West of the Southeast corner of said section,

all in Township 23 South, Range 4 East, Butler County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **43.664 million gallons** (134 acre-feet) of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance, or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 41,081, will provide a total **not to exceed 43.664 million gallons** (134 acre-feet) of water per calendar year for stockwatering use at the authorized place of use described herein.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below:

**Request for Hearing.** According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

**Petition for Review.** The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.



APPLICATION COMPLETE

9/1/2016

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 48,585

This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES RECEIVED

APR 04 2013

12:34 PM  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
109 SW 9<sup>th</sup> Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Keith Koehn - 2K Feeders, LLC  
Address: 12851 NW Shumway Road  
City: Burns State KS Zip Code 66840  
Telephone Number: (620) 752-3838

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Upper Walnut River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 134 acre-feet OR 43.664 million gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a)  Artificial Recharge
  - (b)  Irrigation
  - (c)  Recreational
  - (d)  Water Power
  - (e)  Industrial
  - (f)  Municipal
  - (g)  Stockwatering
  - (h)  Sediment Control
  - (i)  Domestic
  - (j)  Dewatering
  - (k)  Hydraulic Dredging
  - (l)  Fire Protection
  - (m)  Thermal Exchange
  - (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use STK Source G S County Bu By BAR Date 4-5-13  
Code \_\_\_\_\_ Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 4-4-13 Check # 25211

4-12-13 SCANNED  
JWD

\* Revised point of diversion per 7/7/2016 phone discussion with Frank Mercurio. DWS/DWR

\*\* Added STANDBY well per 9/1/16 discussion. DWS/DWR File No. 48,585

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

Primary well \*

(A) One in the SW<sup>SE</sup> quarter of the SE quarter of the SE quarter of Section 26, more particularly described as being near a point 584<sup>272</sup> feet North and 907<sup>480</sup> feet West of the Southeast corner of said section, in Township 23 South, Range 4 East West (circle one), Butler County, Kansas.

\*\* STANDBY well

(B) One in the NE quarter of the NE quarter of the NE quarter of Section 35, more particularly described as being near a point 5155 feet North and 333 feet West of the Southeast corner of said section, in Township 23 South, Range 4 East West (circle one), Butler County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2013. Keith W Koel  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 2 wells + 2 Pumps ~~one submersible pump; one tile drain trench~~ and (was) (will be) completed (by) September 27, 2008  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Oct 3, 2008  
WATER RESOURCES (Mo/Day/Year)

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APR 04 2013

SCHMIDT

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes    No   If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?    Yes    No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

File No. 42335\* and File No. 41081 supply water to the same confined feeding facility as the points of diversion in the two new applications. File # 48,586 - PU o/L

\*File # 42,335 dismissed on 12/15/15. DWS/PLR

WATER RESOURCES  
RECEIVED

EXAMINED

APR 04 2013

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:     Test holes     Well as completed     Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>9/27/2008</u>	_____	_____	_____
Total depth of well	<u>13'</u>	_____	_____	_____
Depth to water bearing formation	<u>-</u>	_____	_____	_____
Depth to static water level	<u>4'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>-</u>	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Burns, Kansas, this 26 day of March, 2013.  
(month) (year)

  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_

(office/title)

Date: \_\_\_\_\_

*SUMMED*

WATER RESOURCES RECEIVED

APR 04 2013

## STOCKWATER USE SUPPLEMENTAL SHEET

File No. 48,585 \_\_\_\_\_

Name of Applicant (Please Print): 2 K Feeders \_\_\_\_\_

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle \_\_\_\_\_

2. Please complete the following table showing past and present water requirements:

### PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year	3500		15

3. Please complete the following table showing estimated future water requirements:

### ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	7500	43.664 Million gallons	15 (Drinking) + 1 (misc) = 16 g hpd
Year 2	7500	43.664 Million gallons	15 " "
Year 3	7500	43.664 Million gallons	15 " "
Year 4	7500	43.664 Million gallons	15 " "
Year 5	7500	43.664 Million gallons	15 " "

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
35	23	4E	East Half of NE Qtr. and North Half of SE Qtr.																	

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

**DRINKING**

7500 head of Cattle x 15 gallons/head (avg.) x 365 days = 41.063 gallons  
 \_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons  
 \_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ gallons/hour x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**SANITATION**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hr/wk x \_\_\_\_\_ wks/yr = \_\_\_\_\_ gallons

**OTHER USE** (Explain) Misc. Maintenance and Processing = 2.601 Million gallons

**TOTAL** ----- 43.664 Million gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.
7. Total feed bunk space for cattle or livestock is \_\_\_\_\_ linear feet.
8. Total size of stock pens for confinement area of cattle, hogs, etc. is \_\_\_\_\_ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

## Schemm, Doug

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**Subject:** 2 K Feeders 48,585

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**From:** Lanterman, Jeff  
**Sent:** Thursday, September 01, 2016 1:09 PM  
**To:** Schemm, Doug; Conant, Cameron  
**Subject:** RE: 2 K Feeders 48,585

That absolutely works for me.

---

**From:** Schemm, Doug  
**Sent:** Thursday, September 1, 2016 9:15 AM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 2 K Feeders 48,585

Good Morning,

So they are ready to move forward on this one. At this point they want to modify this pending application to cover the well labeled as "Domestic Well", which is good because it is plumbed into the STK facility (You can see the maps in the scanned images). However, from what I understand, the domestic well directly to the south about 500' is also tied into the STK system but likely more as an emergency supply. So I think the best way to handle this would be to list this second well as a Standby well on this application. That way it will be metered and authorized in the future if needed.

Thanks, Doug

48,585-  
meets  
safe yield

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 2,546.63 AF.  
 Total prior appropriation in the circle is 268.00 AF.  $- 209.08 = 58.92$   
 Total quantity of water available for appropriation is ~~2,278.63~~ AF.

2,487.71 AF

**Safe Yield Variables**

The area used for the analysis is set at 8,042 acres.  
 Potential annual recharge of the area is estimated to be 3.8 inches.  
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 01-SEP-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

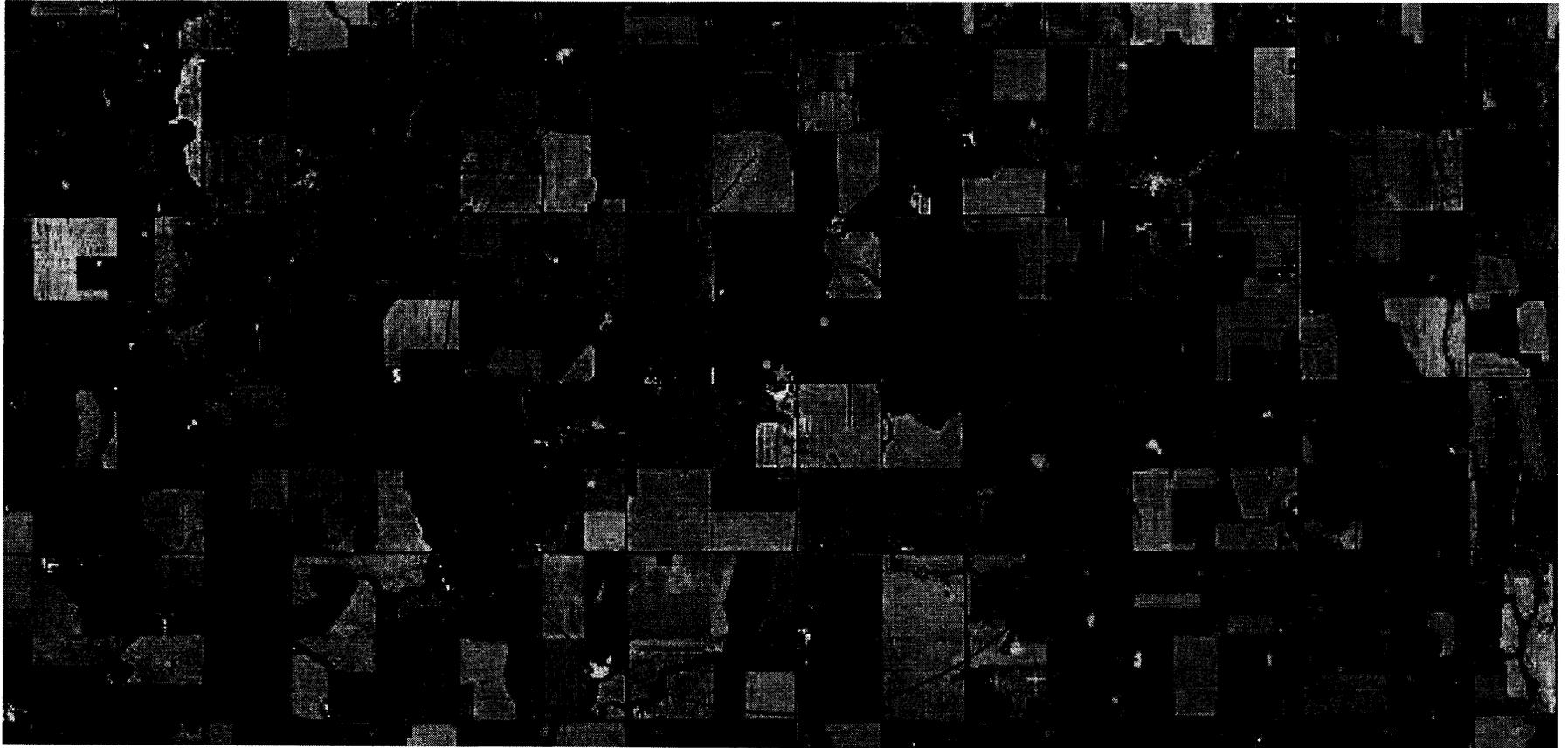
There are 3 water right(s) and 4 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 41081	00 STK	MM	G		SE	SE	NE	3201	233	35	23	04E	2	WR	58.92	58.92		
Same		STK	MM	G		SE	SE	NE	2840	227	35	23	04E	3	WR			
A 48585	00 STK	AY	G		SW	SE	SE	584	907	26	23	04E	2	WR	134.00	<del>134.00</del>		
A 48586	00 STK	LO	G		SE	NW	SW	1894	4299	25	23	04E	2	WR	134.00	<del>75.08</del>		

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SWSESESE 26-23S-04E  
File No. 48,585 (272'N and 480'W)

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Water Rights and Points of Diversion Within 2.00 miles of point defined as:

272 ft N and 480 ft W of the SE Corner of Section 26, T 23S, R 4E

Located at: 96.951617 West Longitude and 38.014175 North Latitude

GROUNDWATER ONLY

*Meets spacing  
All well > 1,320'*

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__  41081 00 STK MM G      2545 -- SE SE NE 3020  230 35 23  4E  1 G  2    58.92   58.92 AF
Same
Same          2365 -- SE SE NE 3201  233 35 23  4E  2 B  2
Same          2725 -- SE SE NE 2840  227 35 23  4E  3 B  2
A__  48585 00 STK AY G      529  -- SW SE SE  584   907 26 23  4E  2          134.00   134.00 AF
A__  48586 00 STK LO G     2039 -- SE NW SW 1894  4299 25 23  4E  2          134.00    75.08 AF
=====
    
```

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=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      134.00           .00
Total Permitted Amount (AF) =         .00           .00
Total Inspected Amount (AF) =       75.08           .00
Total Pro_Cert Amount (AF) =        58.92           .00
Total Certified Amount (AF) =         .00           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =                268.00           .00
=====
    
```

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

96.951617 West Longitude and 38.014175 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__  41081 00 STK MM G
>  2 K FEEDERS
>
> 12851 NW SHUMWAY RD
> BURNS KS 66840
>-----
A__  48585 00 STK AY G
>  2 K FEEDERS
>
> 12851 NW SHUMWAY RD
> BURNS KS 66840
>-----
A__  48586 00 STK LO G
>  2 K FEEDERS
>
> 12851 NW SHUMWAY RD
> BURNS KS 66840
>-----
=====
    
```

#48,585

1700 E. IRON AVE. ■ SALINA, KS 67401  
T 785.823.0097 F 913.273.1493



1303 YUCCA ST. ■ SCOTT CITY, KS 67871  
WWW.KLAENVIRO.COM

April 1, 2013

Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, Second Floor  
Topeka, KS 66612-1283

Subject: 2K Feeders, LLC New Water Right Applications

Dear Chief Engineer:

KLA Environmental Services, Inc. has completed two new applications to appropriate water for beneficial use on behalf of 2K Feeders, LLC; they are enclosed with this letter. The two points of diversion are referred to as the "Creek Spring" and "Spring Well".

These points of diversion constitute a creative solution developed by 2K Feeders, LLC to supply the confined feeding facility with higher quality stockwater. The existing stockwatering rights at the facility are high in sulfates, which were causing significant health problems with the cattle.

Ultimately, these two points of diversion are large tile drains. The "Creek Spring" well consists of a 13 feet deep pit or sump, with a 50 feet long trench, approximately 2 feet wide, leading to the bank of the East Branch of the Whitewater River. No construction took place in the streambed, nor was the stream embankment changed. A perforated pipe and submersible pump was placed in the sump and the remaining space in the sump and trench was backfilled with pea gravel and the natural soil place back on top.

The "Spring Well" has a very similar configuration, only larger, and without any connection to the East Branch of the Whitewater River. The trench on this point of diversion is approximately 200 feet long and "V" shaped, with a 5 to 10 feet bottom width and 20 feet top width. The depth of the trench and the sump is 20 feet. This trench has perforated pipe that stretches the entire length with a riser and submersible pump on the south end. The trench and sump were backfilled with pea gravel, and then covered with the natural soil.

WATER RESOURCES  
RECEIVED

APR 04 2013

KS DEPT OF AGRICULTURE

The facility currently feeds a maximum of 3,500 head, but has completed a permit modification to increase the head count to a maximum of 7,500 head. The current facility must be expanded to support this new head capacity, and a design to do so has been completed by KLA Environmental Services, Inc and approved by the Kansas Department of Health and Environment, Livestock Section.

The proposed water use for the facility with 7,500 head of cattle was calculated using 16 gal/head/day. An additional 1 gal/head/day was added to the standard 15 gal/head/day to cover miscellaneous water use needed at the facility for maintenance and processing purposes. The yearly stockwater allotment calculated was 134.0 AF/year. As represented on the applications to appropriate water, we ask that the maximum desired quantity be left at 134.0 AF/year for each point of diversion, with a total facility stockwater limitation of 134.0 AF/year. Allowing the facility to perfect the maximum quantity of water capable by each point of diversion will give the facility the flexibility to utilize either point of diversion as the primary water source.

2K Feeders, LLC does have plans to drill a couple batteries of wells for irrigation purposes, and if water quality is acceptable, a portion of one of the batteries may be needed for stockwatering. Applying for a surface water right is another option the facility is considering. In order to properly benefit from a surface water right, due to the limited time frame pumping is allowed, some type of water storage is needed. Currently no freshwater storage is available at the facility.

Please contact our office at (620) 872-2300 if you have any questions or need additional information while processing the new appropriation applications.

Sincerely,



Steven L. Frank, E.I.T.

Enclosures

cc/enc: Kylo Heller, KLA Environmental Services, Inc.  
Keith Koehn, 2K Feeders, LLC

WATER RESOURCES  
RECEIVED  
APR 04 2013

KS DEPT OF AGRICULTURE

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: County: <b>Butler</b>	Fraction <b>SE 1/4 NE 1/4 NE 1/4</b>	Section Number <b>35</b>	Township Number <b>T 23 S</b>	Range Number <b>R 4 E</b>
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Distance and direction from nearest town or city street address of well if located within city?

**5 miles North & 3 miles East of Potwin, KS**

2 WATER WELL OWNER: **Keith Koehn**  
 RR#, St. Address, Box #: **Rt 1, Box 31A**  
 City, State, ZIP Code: **Burns, KS 66840**  
 Board of Agriculture, Division of Water Resources  
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:	4 DEPTH OF COMPLETED WELL: <b>9.3</b> ft. ELEVATION:
--	--

Depth(s) Groundwater Encountered 1. **3.0** ft. 2. . . . . ft. 3. . . . . ft.

WELL'S STATIC WATER LEVEL **3.0** ft. below land surface measured on mo/day/yr **6-2-93**

Pump test data: Well water was . . . . . ft. after . . . . . hours pumping . . . . . gpm

Est. Yield **2.5** gpm: Well water was . . . . . ft. after . . . . . hours pumping . . . . . gpm

Bore Hole Diameter **8** in. to **10.0** in. and . . . . . in. to . . . . . ft.

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well  
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well **Stock**

Was a chemical/bacteriological sample submitted to Department? Yes. . . . . No. **X** . . . . . If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes **X** No

5 TYPE OF BLANK CASING USED:

1 Steel	3 RMP (SR)	5 Wrought iron	8 Concrete tile	CASING JOINTS: Glued <b>X</b> Clamped . . . . .
2 PVC	4 ABS	6 Asbestos-Cement	9 Other (specify below)	Welded . . . . .
		7 Fiberglass		Threaded . . . . .

Blank casing diameter **5** in. to **7.3** ft. Dia . . . . . in. to . . . . . ft. Dia . . . . . in. to . . . . . ft.

Casing height above land surface **1.2** in. weight **2.37** lbs./ft. Wall thickness or gauge No. **21.4**

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless steel	5 Fiberglass	7 PVC	10 Asbestos-cement
2 Brass	4 Galvanized steel	6 Concrete tile	8 RMP (SR)	11 Other (specify) . . . . .
			9 ABS	12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	8 Saw cut	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	9 Drilled holes	
		7 Torch cut	10 Other (specify) . . . . .	

SCREEN-PERFORATED INTERVALS: From **7.3** ft. to **9.3** ft., From . . . . . ft. to . . . . . ft.

GRAVEL PACK INTERVALS: From **2.5** ft. to **9.3** ft., From . . . . . ft. to . . . . . ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other . . . . .

Grout Intervals: From **5** ft. to **2.5** ft., From . . . . . ft. to . . . . . ft., From . . . . . ft. to . . . . . ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	10 Livestock pens	14 Abandoned water well
2 Sewer lines	5 Cess pool	8 Sewage lagoon	11 Fuel storage	15 Oil well/Gas well
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer storage	16 Other (specify below)
			13 Insecticide storage	

Direction from well? **Southeast** How many feet? **300**

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Top Soil			
2	14	Tan Clay			
14	38	Limestone			
38	61	Gray Shale			
61	71	Red Shale			
71	74	Limestone			
74	76	Fractured Limestone			
76	78	Limestone			
78	79	Fractured Limestone			
79	87	Limestone			
87	89	Fractured Limestone			
89	100	Limestone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **6-2-93** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **138** This Water Well Record was completed on (mo/day/yr) **6-7-93** under the business name of **Peterson Irrigation Inc/** by (signature) **Mike Peterson**

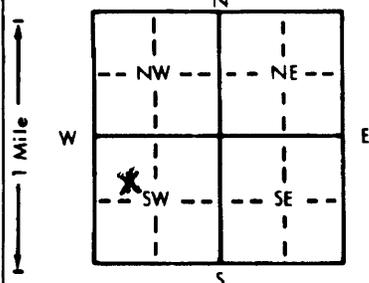
INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: County: Butler Fraction: SW 1/4 NW 1/4 SW 1/4 Section Number: 25 Township Number: T 23 S Range Number: R 4 EW

Distance and direction from nearest town or city street address of well if located within city?  
From Potwin KS 6 North 3 East

2 WATER WELL OWNER: KEITH KOEHN 2K Feeders  
 RR#, St. Address, Box #: 12786 NW Skumway Rd Board of Agriculture, Division of Water Resources  
 City, State, ZIP Code: Burns, Kans 66840-8895 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  


4 DEPTH OF COMPLETED WELL: 82 ft. ELEVATION:  
 Depth(s) Groundwater Encountered 1. 65 ft. 2. ft. 3. ft.  
 WELL'S STATIC WATER LEVEL 5 ft. below land surface measured on mo/day/yr 7/28/95  
 Pump test data: Well water was ft. after hours pumping gpm  
 Est. Yield 100 gpm: Well water was ft. after hours pumping gpm  
 Bore Hole Diameter 14 in. to ft., and in. to ft.  
 WELL WATER TO BE USED AS:  
 1 Domestic  3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well  
 Was a chemical/bacteriological sample submitted to Department? Yes  No; If yes, mo/day/yr sample was submitted  
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:  
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS:  Glued  Clamped  
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded  
 7 Fiberglass Threaded  
 Blank casing diameter 8 in. to ft., Dia. in. to ft., Dia. in. to ft.  
 Casing height above land surface 4 weight 160 lbs./ft. Wall thickness or gauge No.  
 TYPE OF SCREEN OR PERFORATION MATERIAL:  
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement  
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)  
 SCREEN OR PERFORATION OPENINGS ARE:  
 1 Continuous slot  3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)  
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes  
 7 Torch cut 10 Other (specify)  
 SCREEN-PERFORATED INTERVALS: From 82 ft. to 42 ft., From ft. to ft.  
 From ft. to ft., From ft. to ft.  
 GRAVEL PACK INTERVALS: From 82 ft. to 25 ft., From ft. to ft.  
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout  Bentonite 4 Other  
 Grout Intervals: From 25 ft. to 3 ft., From ft. to ft., From ft. to ft.  
 What is the nearest source of possible contamination:  
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well  
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well  
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)  
 13 Insecticide storage Spring Feed Creek  
 Direction from well? How many feet? 50+

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	6	Earth			
6	9	gravel			
9	22	clay			
22	23	broken rock (surface water)			
23	45	red bed			
45	65	slate (gray) (water)			
65	82	shale-lime			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 7/28/95 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 493A This Water Well Record was completed on (mo/day/yr) 7/31/95 under the business name of Reserver Well Drilling by (signature) [Signature]

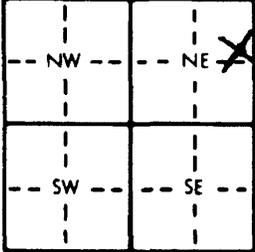
INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1] LOCATION OF WATER WELL: Fraction SE 1/4 NE 1/4 NE 1/4 Section Number 35 Township Number T 23 S Range Number R 4 E  
 County: Butler

Distance and direction from nearest town or city street address of well if located within city?  
5 miles North & 3 miles East of Potwin, KS

2] WATER WELL OWNER: Keith Koehn  
 RR#, St. Address, Box #: Rt 1, Box 31A Board of Agriculture, Division of Water Resources  
 City, State, ZIP Code: Burns, KS 66840 Application Number:

3] LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  
  
 4] DEPTH OF COMPLETED WELL: 120 ft. ELEVATION:  
 Depth(s) Groundwater Encountered 1. 40 ft. 2. 40 ft. 3. 6-1-93 ft.  
 WELL'S STATIC WATER LEVEL 40 ft. below land surface measured on mo/day/yr 6-1-93  
 Pump test data: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Est. Yield 30 gpm: Well water was \_\_\_\_\_ ft. after \_\_\_\_\_ hours pumping \_\_\_\_\_ gpm  
 Bore Hole Diameter 10 in. to 42 ft., and 5 in. to 120 ft.  
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well  
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well Stock  
 Was a chemical/bacteriological sample submitted to Department? Yes \_\_\_\_\_ No X; If yes, mo/day/yr sample was submitted  
 Water Well Disinfected? Yes X No

5] TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped \_\_\_\_\_  
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded \_\_\_\_\_  
 2 PVC 4 ABS 7 Fiberglass Threaded \_\_\_\_\_  
 Blank casing diameter 6 in. to 42 ft., Dia \_\_\_\_\_ in. to \_\_\_\_\_ ft., Dia \_\_\_\_\_ in. to \_\_\_\_\_ ft.  
 Casing height above land surface 12 in., weight 3.36 lbs./ft. Wall thickness or gauge No. 2.55  
 TYPE OF SCREEN OR PERFORATION MATERIAL: NO SCREEN / OPEN HOLE 7 PVC 10 Asbestos-cement  
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) \_\_\_\_\_  
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)  
 SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)  
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes  
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) \_\_\_\_\_  
 SCREEN-PERFORATED INTERVALS: From \_\_\_\_\_ ft. to \_\_\_\_\_ ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 GRAVEL PACK INTERVALS: From 25 ft. to 30 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

6] GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other \_\_\_\_\_  
 Grout intervals: From 5 ft. to 25 ft., From 30 ft. to 42 ft., From \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 What is the nearest source of possible contamination:  
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well  
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well  
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)  
 13 Insecticide storage  
 Direction from well? East How many feet? 200ft

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Top Soil	100	103	Fractured Limestone
2	7	Brown Clay	103	120	Mixed Shale
7	12	Green Shale			
12	16	Gray Shale			
16	21	Mixed Shale			
21	23	Limestone			
23	30	Cavity			
30	45	Limestone			
45	57	Gray Shale			
57	63	Red Shale			
63	79	Gray Shale			
79	85	Fractured Limestone			
85	93	Gray Shale			
93	96	Limestone			
96	100	Gray Shale			

7] CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 6-1-93 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138 This Water Well Record was completed on (mo/day/yr) 6-7-93 under the business name of Peterson Irrigation Inc. by (signature) Mike Peterson

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

## Kopp, Kenneth

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**From:** Schemm, Doug  
**Sent:** Monday, September 21, 2015 12:14 PM  
**To:** Kopp, Kenneth  
**Cc:** Turney, Brent  
**Subject:** FW: 2 K Feeders updated memo  
**Attachments:** 48586 map.jpg; 42335 VOL Dismissal F & O.docx; 42335 Voluntary Dismissal Worksheet.docm; 48586 and 42335 Memo To File.docx; 48586 and 42335 TRANSMITTAL.docx; 48586 Approval and Notice to Proceed.docx; 48586 Permit Worksheet.docm

Ken,  
Here's the documents for the approval and voluntary dismissal (File No. 42,335). This needs to be packaged with PU change on File No. 41,081.  
I have added pd comment "trench (horizontal well)" on worksheet, and added "trench" into the approval. Also, we are holding on to the senior application File No. 48,585 to let them drill some test holes. Not sure what they might eventually do with that one.  
Thanks, Doug

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**From:** Lanterman, Jeff  
**Sent:** Monday, September 21, 2015 10:06 AM  
**To:** Schemm, Doug  
**Cc:** Conant, Cameron  
**Subject:** FW: 2 K Feeders updated memo

Doug;

I am ok with approving this.

Have a few concerns regarding trench wells and wonder if we need regs to cover them? Like spacing measured from the nearest point in the trench. Water quality protections? Limit rate available to trench wells. For the future.

Thanks

Jeff

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**From:** Conant, Cameron  
**Sent:** Monday, September 21, 2015 8:56 AM  
**To:** Lanterman, Jeff  
**Subject:** FW: 2 K Feeders updated memo

Jeff, I think this is the only outstanding review from last week that needs finished. Give me a holler if you want to talk about it. Is it worth it to discuss real quick with Ken and/or Doug to make sure we get the trench wells moving in the right direction if it turns out more and more people try this method?

Cam

---

**From:** Conant, Cameron  
**Sent:** Thursday, September 17, 2015 9:22 AM

**To:** Lanterman, Jeff

**Subject:** FW: 2 K Feeders updated memo

Jeff, this is a trench well. 20' deep, 200' long, 5-10' across at the bottom and 20' across at the top. The idea is to collect GW in the 200' trench and slope it so it drains to a single sump pump by gravity. This is near a tributary channel and at 20' deep is likely alluvial/terrace deposits. Doug's memo says nearby wells are bedrock wells, both domestic and stock (Sumner or Chase group).

The application itself looks ok. They are changing the p/u under 41081 and completely overlapping this with the new application. They will dismiss 42335 if 48586 is approved.

The application proposes to divert a total of 43.664 MGY at 99 GPM limited to 43.664 MGY when combined with 41,081 which is currently authorized 19.2 MGY. This allows the some flexibility with different sources.

48585 is being held for now to do additional test drilling.

Spacing is met to surrounding wells and with the source being "different" we shouldn't have impairment issues to any nearby wells.

I don't know what to do on a "trench well". Is it a single point? Is it a battery with a p/d at either end and geocenter in the middle where the pump is located? Is spacing determined from the edges of the trench or the middle? How long can a trench be?

Please review and pass on to Doug. Trench well questions aside, this looks ok for approval with some additional work to come when they are ready to process 48,585.

Based on some past emails, if they do not end up doing the proposed expansion to increase the head of cattle in the feedyard they will have trouble perfecting additional water...but they would get some flexibility to use either source. They should know that up front with the approval of this.

Cameron

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**From:** Schemm, Doug

**Sent:** Wednesday, September 16, 2015 7:10 AM

**To:** Conant, Cameron

**Subject:** 2 K Feeders updated memo

Cameron,

Here's revised memo to address processing of 48,586 while holding 48,585 for a bit longer.

Thanks, Doug

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

phone: (785) 296-3717  
fax: (785) 296-1176  
www.ksda.gov/dwr

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

April 11, 2013

2 K FEEDERS LLC  
KEITH KOEHN  
12851 NW SHUMWAY RD  
BURNS KS 66840

RE: Application  
File No. 48585

Dear Sir or Madam:

Your application for permit to appropriate water in 26-23S-4E, in Butler County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . . A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT:arh  
pc: STAFFORD Field Office

SCANNED

**2K FEEDERS LLC**  
**Sections 26 & 35, Township 23 South, Range 4 East**  
**Butler County**



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Proposed Place of Use

All known wells within 1/2 mile of the proposed points of diversion are shown on this map.

1:24,000

● Proposed Point of Diversion

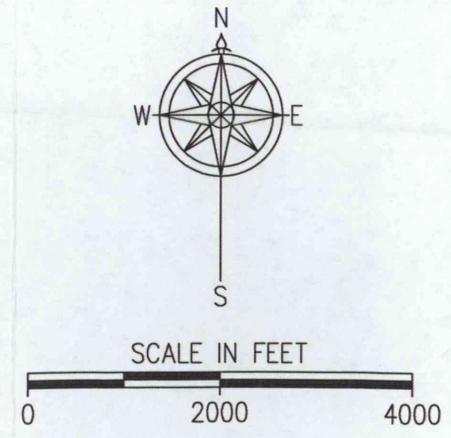


DOMESTIC  
 FACILITY WATER LINES ———  
 PROPOSED PLACE OF USE 

NOTE: ALL WATER RIGHTS/POINTS OF DIVERSION ILLUSTRATED ON THE MAP ARE OWNED AND OPERATED BY 2K FEEDERS, LLC, UNLESS OTHERWISE NOTED..

SCANNED

T23S  
 T24S



— DRAWN  
 — CHECKED  
 — APPROVED

**2 K FEEDERS**  
 WATER RIGHTS  
 SW 1/4 SW 1/4 SECTION 25 & SE 1/4 SE 1/4 SECTION 26 T23S R4E  
 BUTLER COUNTY, KANSAS

1700 E. IRON  
 SALINA, KANSAS 67401  
 (785) 823-0097  
 1303 YUCCA STREET  
 SCOTT CITY, KANSAS 67871  
 (620) 872-2300



C L I F F O R D

FILE NO. 42335(1) STK

CREEK WELL  
(DOMESTIC WELL)

CREEK SPRING

SPRING WELL

Oil Well

Whitewater

Branch

LYLE KOEHN  
4695 NW 180TH ST.  
BURNS, KS 66840

FILE NO. 41081 NORTH STK

FILE NO. 41081 SOUTH STK

C L I F F O R D

